

**REMARKS**

Upon amendment, Claims 1-4, 6 and 9-17 are pending in the instant application. Claims 1-3 have been amended to recite “or a salt thereof” instead of “or one of its salts, its solvates or the solvates of its salts.” Claims 6, 9 and 14 have been amended to recite a “pharmaceutical composition” instead of a “medicament.” Claim 4 has been amended to delete the “preferably” clause. Claim 4 has also been amended to recite that the process “comprises the step of reacting a compound” instead of reciting that the compound “is reacted.” No new matter has been added by these amendments.

Claim 18 is new and is directed to the “preferably” clause of original Claim 4. Support for this new claim can be found throughout the specification and claims as originally filed; in particular, in original Claim 4.

Applicants respectfully reserve the right to pursue any non-elected, canceled or otherwise unclaimed subject matter in one or more continuation, continuation-in-part, or divisional applications.

Reconsideration and withdrawal of the objections to and the rejections of this application in view of the amendments and remarks herewith, is respectfully requested, as the application is believed to be in condition for allowance.

***Rejections under 35 U.S.C. §112***

Claims 1-4, 6 and 9-17 are rejected under 35 U.S.C. 112, First and Second Paragraphs, allegedly indefinite and/or nonenabling with respect to the term solvates in Claims 1-3. While Applicants strongly disagree with the Examiner’s allegation, and solely for the purpose of advancing prosecution, Claims 1-3 have been amended to recite “or a salt thereof” instead of “or one of its salts, its solvates or the solvates of its salts.” No new matter has been added by this amendment.

Claim 4 is further rejected under 35 U.S.C. 112, Second Paragraph, as allegedly indefinite with respect to the term “preferably” and for allegedly omitting a critical step. With regard to the “preferably” clause, Applicants have deleted this clause from Claim 4 and have

added Claim 18 which relates to the subject matter of the “preferably” clause as a dependent claim from Claim 4. No new matter has been added by this amendment.

With regard to the alleged omission of a critical step, Applicants respectfully disagree. The Examiner alleges that “the reaction of ...an ester...with a base would not yield an acid side chain....” As stated above, and solely to more clearly define the subject matter the Applicants consider their invention, Claim 4 has been amended to recite that the process “comprises the step of reacting a compound” of Formula (II) with a base instead of reciting that the compound of Formula (II) “is reacted with a base.” Applicants note that the “comprising” language of Amended Claim 4 is open-ended and allows for the inclusion of other steps in the process. That is, whether or not the reaction with an acid is required to form the compound of Formula I, all Claim 4 requires is the reaction of a compound of Formula (II) with a base. As such, Applicants believe the claim is definite as written and fully described by the specification.

Applicants respectfully request that the rejection of the claims under 35 U.S.C. § 112, first and second paragraphs be reconsidered and withdrawn.

**CONCLUSION**

In view of the foregoing, reconsideration and withdrawal of all rejections, and allowance of the instantly claimed invention is earnestly solicited. If a telephone conversation with Applicants' attorney would help expedite the prosecution of the above-identified application, the Examiner is urged to call Applicants' attorney at the telephone number below.

Applicants believe that there are no additional fees due with this response. However, if a fee is due, the Commissioner is hereby authorized to charge Deposit Account No. 04-1105 for any fee(s) due with this response.

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Respectfully submitted,

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